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Legal Issues in Higher Education: Annual Review of Court & Administrative Developments (CLE)

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**National Center's 42nd Annual Conference: Thinking about Tomorrow:
Collective Bargaining and Labor Relations in Higher Education**

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Additional cases/legislation

Open Records Requests

1. *Energy & Environmental Legal Institute v. University of Arizona*, No. C2013-4963 (Ariz. Super. filed Sept. 6, 2013).
---E&E Legal (formerly ATI) filed suit to force the production of records at the University of Arizona to produce records related to climate research, including the emails of two faculty members.

Public Employee Speech and *Garcetti v. Ceballos*

2. *Golovan v. University of Delaware*, 2014 WL 5786602 (D. Del. Nov. 6, 2014)
-- Statement made regarding reporting of alleged sexual harassment constituted part of employment duties

Prohibitions on collective bargaining by student athletes

3. Pub. L. No. 414, 97th Leg. Reg. Sess. (Mich. 2014)
4. H.B. 483, 130th Gen. Assemb. (Ohio 2014)

Financial exigency/Program discontinuation

5. *Wilson v. Louisiana*, 2014 WL 1788283 (W.D. La. May 5, 2014)
--Tenure tied to academic department in which it was received, not to the university in general.

Tenure denial challenge

6. *Brown v. Sessoms*, 774 F.3d 1016 (D.C. Cir. 2014).
-- Claims that university applied less stringent tenure criteria to a white male professor's application for tenure than a black female professor's application when professors had similar records permitted inference of discrimination, as required to establish a prima facie case of race discrimination.

Civility clause

7. *Keating v. University of North Dakota*, 569 Fed. Appx. 469 (8th Cir. 2014) (per curiam) (unpublished decision)
-- Held that a civility clause was not overly vague.